

requirements under 37 C.F.R. § 1.98a(3) for foreign language documents by providing a copy of a corresponding Japanese Office Action and an English translation of the portions of the Office Action that indicate the degree of relevance of the documents found by the Japanese Patent Office. The Q64131 that the Examiner references is the Attorney's Docket Number. This sheet includes the English translation as discussed above.

Claim Rejections - 35 USC § 103

Claims 1-8, 14-27, 33-42, 45-53 and 57-60 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Durrett (U.S. Patent No. 5,964,830). With respect to claim 1 and 3, the Examiner states that Durrett discloses all of the recited features, except that Durrett does not specifically teach the first authentication is performed with biometric features. Nonetheless, the Examiner alleges that since Durrett's portal device is equipped with fingerprint scanner for login authentication, it is obvious to also use the same device's biometric featuring capability for authenticating the content requester because it is well known that biometric feature provides higher security in the process of authentication.

Applicants first note that the Examiner's rejection of the claims does not address or allege the feature of the downloaded/distributed content can be redistributed to another user. The Examiner previously acknowledged that this feature was not disclosed or suggested by Durrett in the August 23, 2004 Office Action and used Kang (U.S. Patent Publication 20010051925) or Office Notice as the basis for this feature's rejection. As such, should the claims not be allowed

in view of Applicants' comments herein, the Examiner is kindly requested to issue a Non-final Office Action addressing how this feature is rejected.

With respect to the rejection of claims 1 and 3 using Durrett, Applicants respectfully traverse the rejection.

Claim 1 recites, *inter alia*,

“performing a first comparison between first information associated with said first biometric feature obtained by the measurement and second information associated with biometric features of registered users which have been previously registered;

distributing a content when a match is made as a result of said first comparison;

measuring at the time of reproduction of the content distributed in said content distribution, a second biometric feature of a person who requests a content reproduction;

performing a second comparison between third information associated with said second biometric feature obtained by the measurement and said first information ...”

As such, a comparison of biometric information is made when content is distributed, and a second comparison is made when the distributed content is reproduced. This feature, for example, allows for control of reproduction of content to the original owner who caused the content to be distributed, or to another authorized person (see for example, the second embodiment of the invention on page 23 of the present specification).

Applicants respectfully submit that Durrett is only related to a user using a fingerprint identification to access a virtual disk server or for activating the local computer (a first comparison). There is no suggestion of a second comparison when reproducing the contents.

That is, in Durrett, a user logs into an access provider (virtual disk server)¹ via a fingerprint key 13A (see col. 5, lines 45-51). Once the user has access to the data stored in the access provider computer, there is no disclosure or suggestion of a second authentication needed to transfer or reproduce the data. Rather, once access is provided via a first authentication, a user is able to reproduce data at anytime, without additional safeguards.

The Examiner states that it is obvious to use the same device's biometric feature capability for authenticating the content requester because it is well known that a biometric feature provides higher security in the process of authentication. Applicants respectfully traverse this argument.

In Durett, there would be no suggestion of a second comparison for reproducing the content. That is, Durrett also does not disclose or suggest that once the portable device has accessed the virtual disk server and obtained its OCO's, is an authorization required to distribute information from a web server. Further, once the OCO's are on the portable device, there is no disclosure about access to or reproduction of the OCO's. In fact, Durett teaches away from this feature since it discloses that the base user portal device is essentially useless unless it is

¹ Col. 1, lines 36-40 describe the three types of computers used in the invention, including user portal devices, virtual disk server, and web site server.

connected to a network having at least a virtual disk server (see col. 2, lines 24-26). As such, Applicants submit that claims 1 and 3 are allowable.

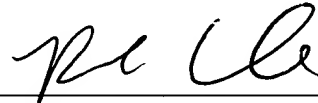
Claim 1 also recites distributing a content only when a match is made of said first comparison. As mentioned above, Durrett, on the other hand, discloses that without the assistance of a virtual disk server and its non-volatile storage, the user portable device is unable to form an OCO sufficiently capable of accessing web site servers and utilizing their content (see col. 1, lines 59-65). The operation of the virtual disk server is explained in Figures 6A-6D. No where in this description is there a suggestion that once the portable device has accessed the virtual disk server and obtained its OCO's, is an authorization required to distribute information from a web server.

With respect to claims 8-11, and 17-20, they are allowable for the same reasons above. Further, with respect to the rejection of claims 10 and 11, the Examiner is kindly requested to provide a reference that is combinable with the cited references to support the "Official Notice." Applicants note that Examiner's similar reasons for rejection of claims 4-7, 12-16, 18, 19, and 21-60 stated in paragraph 10, and likewise, note that the claims are allowable for the aforementioned reasons.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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